

Appl. No. 09/811,678
Amdt. Dated February 24, 2005
Reply to Office action of December 1, 2004
Attorney Docket No. P12388/032559-093
EUS/J/P/05-8040

Amendments to the Drawings:

The attached sheets of drawings include changes to Fig 1, 3, 5.

A Submittal of Drawing Replacement Sheet(s) is being filed concurrently herewith under a separate cover. For your convenience, a copy of that filing is attached.

Attachment: Annotated Sheets of Drawings Showing Changes

Copy of Submittal of Drawing Replacement Sheets

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REMARKS/ARGUMENTS

1.) Claim Amendments

The Applicant has amended Claims 1-6, 10-11, 14, 17 and 21. Applicant respectfully submits no new matter has been added. Accordingly, Claims 1-21 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

2.) Examiner Objections – Drawings

The Drawings were objected to because in Figures 1, 3, 5, there are no descriptive legends. Corrections to the drawings are shown on the enclosed sheets. The Examiner's approval of the drawing changes is respectfully requested.

3.) Claim Rejections – 35 U.S.C. § 112

The Examiner objected to Claims 6-9 under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant extremely appreciates the Examiner's statement and has accordingly amended Claim 6 to overcome the Examiner's rejection. A favorable reconsideration in view of the amendment is respectfully requested.

4.) Claim Rejections – 35 U.S.C. § 102(e)

The Examiner rejected claims 1-15 and 17-20 under 35 U.S.C. § 102(e) as being anticipated by Harrison et al. (US 6,091,709). Applicant respectfully traverses the Examiner's rejection and has further amended the pending independent claims to more clearly and distinctly claim the subject matter which the Applicant considers as his invention. A favorable reconsideration in view of the above amendments and the following remarks is respectfully requested.

The present invention discloses and claims a system and method for regulating the amount of information to be sent on a communication link. In that regard, a real data generator generates read data at a particular real data rate. The generated real data is then stored in a buffer. A dummy load generator, in accordance with the

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teachings of the present invention, also generates dummy data at a dummy data rate to be further stored in that buffer. A queue length monitor is further provided monitoring the queue length of the buffer containing both the real data as well as the dummy data and regulating the real data rate associated with the real data generator based on the monitored queue length. Accordingly, based on the monitored queue length, the present invention regulates or adjusts the real data rate, thereby changing the speed of the real data being newly generated by the real data generator and to be further stored into the monitored buffer. As an illustration, in response to the buffer being filled up with an unacceptable amount of queued data, the present invention lowers the data generation rate to slow the generation of new real data. With the slowing down of the newly generated real data, the queue length associated with the buffer is shortened and the congestion over the connection reduced.

Applicant respectfully submits that Harrison fails to anticipate or render obvious each and every element of the presently pending claims. In that regard, Applicant submits that Harrison does indeed disclose using both real data as well as dummy data (fillers) for filling up the queues and for providing an early detection of queue build-up in a packet-based communication system. However, rather than monitoring the queue length and adjusting or regulating the real data generation rate, Harrison instead discloses removing or demoting data from one priority queue to a different priority queue to provide different priority treatments. Harrison therefore achieves such Quality of Service (Qos) system by introducing a multiple queues with different priority levels and "tries to maintain constant optimal occupancy at each priority level by iteratively promoting traffic from lower priority queues to higher priority queues while the latter are operating below a threshold of congestion." (Harrison, Col. 6, lines 24-28). If the congestion level still exceeds a certain threshold level, the Harrison invention then starts to discard the dummy data (fillers) to improve the congestion level.

As a result, the present invention discloses a novel system of monitoring a buffer containing both real data as well as dummy data and regulating the data generation rate of the real data generator to better manage the amount of data to be communicated over a communication link. Harrison instead discloses introducing a number of priority

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queues and relocating or demoting data from one queue to a different queue to maintain the acceptable QoS. Figure 5 of Harrison, identified by the Examiner as allegedly disclosing each and every step of the presently pending independent claim 1, for example, further illustrates dummy data (fillers) moving from one queue to a different queue (51, 54). **However, nowhere does Harrison disclose the step of regulating the data generation rate of the data generator as claimed by the present invention.** Therefore, Applicant respectfully submits that present invention is distinguishable from Harrison and that Harrison does not anticipate or render obvious the present invention as currently claimed. A Notice of Allowance for all of the pending claims is earnestly requested.

5.) Allowable Subject Matter

The Applicant notes with appreciation the conditional allowance of claim 16. However, in view of the above remarks, the Applicant submits that all of the claims are now in a condition of allowance. The Examiner's consideration of these claims is also respectfully requested.

6.) Prior Art Not Relied Upon

In paragraph 7 of the Office Action, the Examiner stated that the prior art made of record and not relied upon is considered pertinent to the Applicant's disclosure.

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CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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